

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTINE D. GEOGHEGAN,

Plaintiff,

Case No.: 18-cv-07180

**REPLY AFFIDAVIT OF
ROBERT PETITPAIN**

-against-

ROBSCOT REALTY, INC., d/b/a Brody McKay's
Tavern, PETITE REALTY CORP., and ROBERT
PETITPAIN,

Defendants.

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ROBERT PETITPAIN, being duly sworn, deposes and says:

1. I am one of the defendants in the above-captioned action and the President/Owner of Robscot Realty, Inc. ("Robscot Realty") and Petite Realty Corp. ("Petite Realty").
2. Robscot Realty and Petite Realty are two different entities.
3. Robscot Realty operated a restaurant called Brody McKay's Tavern, located at 742 Middle Country Road, Seldon, New York 11784.
4. Petite Realty operates as a real estate development and management company in Suffolk County.
5. Plaintiff has asserted in her Complaint that she became an employee of Brody McKay's Tavern in October 2015.
6. The above is incorrect; Plaintiff was hired on or about November 5, 2016.
7. In addition, Plaintiff's allegation that she worked from 10:30 am to 8:30 pm is a complete exaggeration.
8. Plaintiff often started work at 12 pm (and even later) and worked only to about 7 pm (if not earlier).

9. Last but not least, Plaintiff typically only worked two or three days per week and not the four day a week schedule alleged in the Complaint.

10. As I stated in my prior affidavit, between February to March 2019, I was experiencing health complications and was temporarily incapacitated to make sound business decisions.

11. These health conditions required me to ultimately go Stony Brook Medical Center, where I was admitted on March 10, 2019 with abdominal pain and transient global amnesia.

12. Once I regained my cognitive faculties in early April, 2019, I engaged Adam C. Weiss, Esq. of the Law Firm of Adam C. Weiss, PLLC to formally represent me and my companies in this case.

13. I respectfully request that this Court find the conduct of Robscot Realty and Petite Realty excusable, inasmuch as I certainly did not proceed in bad faith or with the intention to delay these proceedings, rather I was unable to make sound business decisions including finding an attorney for this matter because of my health issues.

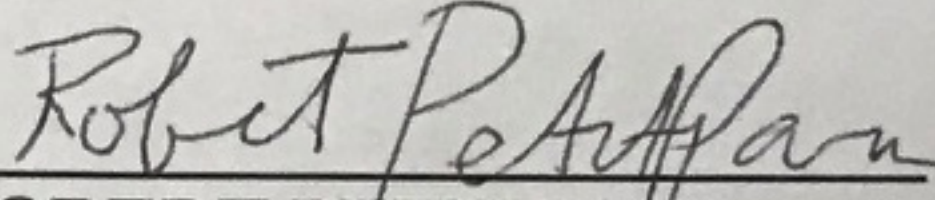
14. Only after engaging Mr. Weiss and his firm, I discovered that on or about March 14, 2019, Plaintiff's counsel submitted a request to issue a certificate of default as to Defendants Robscot Realty and Petite Realty.

15. I was never served with any motion for default and apparently on the same date the default was filed, March 14, 2019, the Clerk of the Court issued the certificate of default.

16. As I alluded to above, on or about April 1, 2019, when my health allowed me to again make business decisions, I retained counsel for the above captioned matter.

17. Any prior contact that Plaintiff's counsel had with any other attorneys who claimed to represent me was without my knowledge or consent.

WHEREFORE, it is respectfully requested that the movants' application be granted, thereby permitting an extension of the time to answer or otherwise move in response to Plaintiff's Complaint.


ROBERT PETITPAIN

Sworn to before me this
11 day of July 2019


NOTARY PUBLIC

ADAM C. WEISS
Notary Public, State of New York
No. 02WE6135919
Qualified in Nassau County
Commission Expires April 20, 2020